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EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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Technology Center 2100

Application Number: 09/814,302
Filing Date: March 21, 2001
Appellant(s): CHERRY ET AL.

Jack H. McKinney
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/23/2007 appealing from the Office action mailed 11/30/2006.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments*

The statement of the status of the Amendment contained in the brief is correct.

(5) *Summary of claimed subject matter*

The summary of the claimed subject matter is contained in the brief is correct.

(6) *Grounds of Rejection to be reviewed on appeal*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al (U.S. 6,859,832 B1) and Pagurek et al (U.S. 6,550,024 B1).

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,859,832 B1	Gecht et al.	02-2005
6,550,024 B1	Pagurek et al.	01-2004

(9) Grounds of Rejection**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Gecht et al (U.S. 6,859,832 B1) and Pagurek et al (U.S. 6,550,024 B1).

3. As per claims 13, 16 & 19 Gecht disclosed a system for distributing information, the system comprising a client computer in network communication with a server, wherein the client computer includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent and wherein the server includes a server agent and a processor operable to execute the server agent (col.2, lines 66-67 & col.3, lines 1-26), wherein: the logical printer is Integrated with the print

Art Unit: 2143

functionality of the client computer and is configured to launch the client agent and provide the client agent with a document (col.9, lines 12-25 & col.13, lines 6-20).

However Gecht did not explicitly disclose the client agent is configured to connect to the server agent, to send the document to the server agent, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent; the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the user Interface from the client agent, and to send the document to a destination identified by the data.

In the same field of endeavor Pagurek disclosed the client agent is configured to connect to the server agent, to send the document to the server agent, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent; the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the user Interface from the client agent, and to send the document to a destination identified by the data. (Col.2, lines 5-41).

It would have obvious to on one the ordinary skill in the art at the time the invention was made at the time the invention was made to have incorporated receiving a user interface from the server as disclosed by Pagurek in a system for distributing information as disclosed by Gecht in order to facilitate information transfer between

Art Unit: 2143

client and server make the distribution system more flexible, robust and user friendly from printing prospective.

4. As per claims 14, 17 & 20 Gecht-Pagurek disclosed the system of Claim 13, wherein the user interface enables the user to enter data identifying an e-mail address and wherein the client agent is operable to return the data identifying the e-mail address to the server so that the server can send the document via e-mail to the e-mail address (Gecht, col.2, lines 10-15).

5. As per claims 15 & 18 Gecht-Pagurek disclosed the system of Claim 13, wherein the logical printer includes a driver, a spooler, and a port monitor, wherein: the driver is operable to translate the document to a rendered format; the spooler is operable to send the document in the rendered format to the port monitor, and the port monitor is operable to launch the client agent (col.2, lines 65-6-67, col.3, lines 1-26, col.5, lines 66-67 & col.6, lines 1-5).

(10) Response to Arguments

(A) Claims 13-20 Stand rejected under 35 U.S.C 103 as being unpatentable over USPN 6,859,832 issued to Gecth in view of USPN 6,550,024 issued to Paagurek.

Issue 1: Appellant on last paragraph of page 4 cited limitations of claim 13 that Gecth did not explicitly disclose and argued that the examiner without explanation cited Paagurek to address this deficiency.

As to applicant's argument examiner in the final rejection dated 11/30/2006 cited the appropriate passage from Paagurek that anticipated the limitation along with the appropriate reasoning why it would have obvious for one the ordinary skill in the art to incorporate the limitation disclosed by Paagurek into Gecth to anticipate applicant's invention. Therefore applicant's invention is anticipated the by Gecth and Paagurek.

Issue 2: Appellant on first paragraph of page 5 argued with respect to claim 13 that

Pagurek never teaches that a user interface is returned through which a user can select a destination of a document.

As to appellant's argument Pagurek on col.2, lines 5-40 clearly states:

5 External resources connected to a multi-agent system may
alter from time to time without notifying the system, for
example as a result of technology innovation. In many cases,
no problems are encountered in the system provided that the
protocol between contracting and contractor agents is
10 followed, as set forth above. However, in some
circumstances, this protocol does not cover all changes to
the system. For example, early dot matrix printers were
capable of printing only text data files. Now, most printers
employ either ink-jet or laser technology and provide a
15 range of options to the user. The user cannot simply send a
flat text file to a laser printer and expect the job to print
because the default input format is in postscript. Instead, the
laser printer requires additional details to be specified before
the printing job can occur. In a multi-agent system with a
20 help desk agent, a printer server agent, a file server and
several printer resources, when the user wishes to print a
document, he/she simply specifies the name of the data file
and selects the appropriate print option at the help desk GUI
(graphical user interface). The help desk agent passes the file
25 name to the printer server agent which then obtains the data
file from the file server and selects an available printer for
the job. Before the advent of postscript, the protocol or
agreement between the printer server agent and the printer
resources were simple: any printer that was not busy would
30 be selected and that printer would print the contents of the
data file obtained from the file server agent. However, with
the advent of laser printers and postscript format, an idle
laser printer would not be capable of printing the flat text file
since the postscript format requires certain fields which
35 specify the file format. The printer would assume that it has
received a postscript file since there has been no information
specified in the file format field during system set up and
therefore the print job fails. Nonetheless, the printer server
agent assumes that the print job has been successful and the
40 problem is discovered only after the printer output has been
passed back to the help desk agent or to the client.

The above excerpt clearly discloses that a Graphical user Interface (GUI) is presented to the user by the print server agent in which user selects the appropriate print options which is then returned to the server for printing execution. Therefore Pagurek clearly anticipate the above limitation.

Art Unit: 2143

Issue 3: Appellant on the first paragraph of page 5 with respect to claim 13 argued that both Gecth and Pagurek fail to teach or suggest a client agent configured to connect to a server remote from the client computer, to send the document to the server, and to receive a user interface from the server that enables a user to enter data identifying a destination for the document so that the server can send the document to a destination identified by the data.

As to appellant's argument the examiner cited Pagurek for the anticipation of the highlighted limitation in the 35.U.S.C 103 rejection which included Gecth as the primary reference. For the highlighted limitation Pagurek on col.2, lines 5-40 clearly states:

5 External resources connected to a multi-agent system may alter from time to time without notifying the system, for example as a result of technology innovation. In many cases, no problems are encountered in the system provided that the protocol between contracting and contractor agents is followed, as set forth above. However, in some
10 circumstances, this protocol does not cover all changes to the system. For example, early dot matrix printers were capable of printing only text data files. Now, most printers employ either ink-jet or laser technology and provide a range of options to the user. The user cannot simply send a
15 flat text file to a laser printer and expect the job to print because the default input format is in postscript. Instead, the laser printer requires additional details to be specified before the printing job can occur. In a multi-agent system with a
20 help desk agent, a printer server agent, a file server and several printer resources, when the user wishes to print a document, he/she simply specifies the name of the data file and selects the appropriate print option at the help desk GUI (graphical user interface). The help desk agent passes the file
25 name to the printer server agent which then obtains the data file from the file server and selects an available printer for the job. Before the advent of postscript, the protocol or agreement between the printer server agent and the printer resources were simple: any printer that was not busy would
30 be selected and that printer would print the contents of the data file obtained from the file server agent. However, with the advent of laser printers and postscript format, an idle laser printer would not be capable of printing the flat text file since the postscript format requires certain fields which
35 specify the file format. The printer would assume that it has received a postscript file since there has been no information specified in the file format field during system set up and therefore the print job fails. Nonetheless, the printer server agent assumes that the print job has been successful and the
40 problem is discovered only after the printer output has been passed back to the help desk agent or to the client.

The above excerpt clearly discloses that a Graphical user Interface (GUI) is presented to the user by the print server agent in which user selects the appropriate print options which is then returned to the server for printing execution. Therefore Pagurek clearly anticipate the above highlighted limitation

Gecth clearly discloses a client agent configured to connect to a server remote from the client computer, to send the document to the server. Figure.1, col.5, lines 66-67 & col.6, lines 1-5 clearly states:

"In an alternative embodiment, and agent program provides a directory of documents to the spooling server. The agent program enables a client device associated with the print job source to poll the spooling server to determine whether spooling server requires a document identified in the directory to complete a print job".

Gecth on col.6, lines 15-19 further discloses that the communications with the spooling server may be enabled via at least one of a telephone, personal Digital assistant device, a computer, an internet appliance, web browser, a dedicated terminal or the like. Thus indicating the remote print functionality of the disclosure.

Issue 4: Appellant on page 5 stated that claims since dependent claims 14 and 15 depends form the independent claim 13 therefore they are allowable over Gecth and Pagurek for the same reason argued above.

As to appellant's argument that since independent claim 13 is not allowable the for the reason cited by the examiner in issues 1 though 3 above, therefore claims 14 & 15 which depend on claim 13 are also not allowable for the same reasons.

Issue 5: Appellant on the first paragraph of page 6 with respect to claim 13 argued that Gecth does not even hint that client device includes a logical printer and a client agent.

As to appellant's argument Gecth on col.3, lines 19-26 discloses that a print job can originate from any suitable print job source, such as client browser, with an associated print driver. Gecth on col5, lines 66-67 &c col.6, lines 1-5 also discloses the following:

In an alternate embodiment, an agent program provides a directory of documents to the spooling server. The agent

program enables a client device associated with the print job source to poll the spooling server to determine whether the spooling server requires a document identified in the directory to complete a print job. If so, the document can be uploaded from the client device to the spooling server.

The directory can be communicated to the printer polling device and presented at the printer polling device. Selection of a print job from the directory can be made (e.g., via a user interface).

Additionally, applicant's specification on page 6 lines 20-22 (sole description of the logical printer) states the following:

"As known in the art, the document router is a logical printer installed on the client machine that uses a port monitor installed on the client that launches that agent."

In the above excerpt the applicant is admitting that it is well known in the art for a client device to have a logical printer and a client agent. Therefore applicant's argument is irrelevant.

Issue 6: Appellant argument on the last paragraph of page 6 with respect to claim 13 states "The applicant finds it impossible to follow the Examiner's logic as a cursory review of this illustration reveals that Gecth's client device (12) includes an application (15) and a printer driver (14). Perhaps the Examiner is equating the printer driver (14) with the logical printer recited in claim 1. If so the Examiner's logic is flawed".

As to appellant's argument in light of the brief general description of "Logical printer" and admittance of the "logical printer" being a prior art.

Applicant's specification on page 6 lines 20-22 (**sole description of the logical printer**) states the following:

"As known in the art, the document router is a logical printer installed on the client machine that uses a port monitor installed on the client that launches that agent."

Art Unit: 2143

Examiner respectfully asserts that applied logic is not flawed because Gecth discloses the print driver is the logical printer that which enables that client sent print jobs to the appropriate printer.

Issue 7: Appellant on the first paragraph of page 7 with respect to claim 13 again argues that Gecth does not mention or suggest the logical printer launches that agent program.

As to appellant's argument in light of the brief general description of "Logical printer" and admittance of the "logical printer" being a prior art.

Applicant's specification on page 6 lines 20-22 (**sole description of the logical printer**) states the following:

"As known in the art, the document router is a logical printer installed on the client machine that uses a port monitor installed on the client that launches that agent."

Examiner respectfully asserts that print driver which Gecth discloses is in fact the logical printer that enables that client sent print jobs to the appropriate printer.

Additionally Examiner points out to the board that all of the total 5 pages of appellant's specification labeled "Detailed description of the invention" contain only generalized

Art Unit: 2143

description of the invention, which frequently references limitations to be well known to those in the art. Applicant's claims are also broad and generalized.

Issue 8: Appellant on the first paragraph of page 8 with respect to claim 16 argued that both Pagurek and Gecth fail to teach or suggest (a) logical printer configured to launch the client agent and (b) a client agent configured to receive a user interface from the server.

As to appellant's argument Gecth on col.3, lines 19-26 discloses that a print job can originate from any suitable print job source, such as client browser, with an associated print driver. Gecth on col5, lines 66-67 &c col.6, lines 1-5 also discloses the following:

In an alternate embodiment, an agent program provides a directory of documents to the spooling server. The agent

program enables a client device associated with the print job source to poll the spooling server to determine whether the spooling server requires a document identified in the directory to complete a print job. If so, the document can be uploaded from the client device to the spooling server.

The directory can be communicated to the printer polling device and presented at the printer polling device. Selection of a print job from the directory can be made (e.g., via a user interface).

Additionally, applicant's specification on page 6 lines 20-22 (**sole description of the logical printer**) states the following:

"As known in the art, the document router is a logical printer installed on the client machine that uses a port monitor installed on the client that launches that agent."

In the above excerpt the applicant is admitting that it is well known in the art for a client device to have a logical printer and a client agent. Therefore applicant's argument is irrelevant.

Issue 9: Appellant on the first paragraph of page 8 stated that since claims 17 & 18 deepened from claim 16 therefor they should be allowed for the same reasons argued above.

As to appellant's argument that since independent claim 16 is not allowable the for the reason cited by the examiner in issue 8 above, therefore claims 17 & 18 which depend on claim 16 are also not allowable for the same reasons.

Issue 10: Appellant on the last paragraph of page 9 argued with respect to claim 19 that the Examiner has failed to address the limitations of connecting, sending, displaying, and returning. Consequently, examiner has failed to establish a prima facie case for obviousness and the rejection cannot stand.

As to appellant's argument one in the ordinary skill in the art would appreciate by merely reading the title of the Gecth "Methods and systems for the provision of remote printing services over a network" & Pagurek that they at least involve connecting, sending, displaying, and returning aspects. The Examiner will now cite and underline the connecting, sending, displaying, and returning aspects disclosed in Gecth & Pagurek.

Art Unit: 2143

(i) Connecting: "The agent program enables a client device associated with the print job source to poll the spooling server to determine whether the spooling server requires a document identified in the directory to complete the print job". (Gecth, Col.6, lines 1-4)

(ii) Sending: "An agent program provides a directory of documents to the spooling server. The agent program enables a client device associated with the print job source to poll the spooling server to determine whether the spooling server requires a document identified in the directory to complete the print job". (Gecth, Col.5, lines 66-67 & Col.6, lines 1-4).

(iii) Displaying: "An agent program provides a directory of documents to the spooling server. The agent program enables a client device associated with the print job source to poll the spooling server to determine whether the spooling server requires a document identified in the directory to complete the print job. If so the document can be uploaded from the client device to the spooling server. The directory can be communicated to the printer polling device and presented at the printer-polling device. Selection of a print job from the directory can be made (e.g., via a user interface). The directory may be presented via a visual presentation or an audio presentation" (Gecth, Col.5, lines 66-67 & Col.6, lines 1-11).

(iii) Returning: "In a multi-agent system with a held desk agent , a printer server agent, a file server and several printer resources, when a user wishes to print a document , he/she simply specifies the name of the data file and selects the appropriate print option

Art Unit: 2143

at the help desk GUI (graphical user Interface). The help desk agent passes (I.E. returns) the file name to the printer server agent which then obtains the data file from the file server..."

Since both Gecth and Pagurek deal with remotely printing documents by utilizing agents and serves therefore it is obvious for one in the ordinary skill in the art to combine the two references to anticipate applicant's broadly claimed invention.

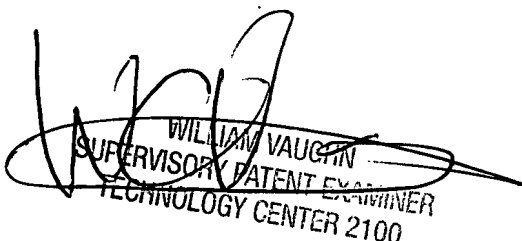
(11) Related proceedings appendix

None.




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August 31, 2007

Conferees



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